

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 DAVID S. CHANEY  
Chief Assistant Attorney General  
3 FRANCES T. GRUNDER  
Senior Assistant Attorney General  
4 JONATHAN L. WOLFF  
Supervising Deputy Attorney General  
5 DANIELLE F. O'BANNON, State Bar No. 207095  
Deputy Attorney General  
6 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
7 Telephone: (415) 703-5735  
Fax: (415) 703-5843  
8 Email: Danielle.OBannon@doj.ca.gov

9 Attorneys for Defendants David Ambriz, Darious  
Galloway, Shawn Hatton, George Neotti, Darla Mantel  
10 and Matthew Zornes

11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 **RICHARD J. CRANE,**

16 Plaintiff,

17 v.

18 **D. AMBRIZ, et al.,**

19 Defendants.  
20

C 07-4620 JF

**DECLARATION OF N.  
GRANNIS IN SUPPORT OF  
DEFENDANTS' MOTION TO  
DISMISS**

21 I, N. GRANNIS, declare as follows:

22 1. I am employed by the California Department of Corrections and Rehabilitation  
23 (CDCR) as the Chief of the Inmate Appeals Branch. I have been the Chief of Inmate Appeals  
24 Branch for five and a half years and have been employed with CDCR for twenty-four years. As  
25 the Chief of the Inmate Appeals Branch my responsibilities include overseeing staff who receive,  
26 screen, log, route, and assign director level appeals that are submitted by inmates. My duties  
27 also include monitoring the dispositions of these inmate appeals. I am competent to testify to the  
28 matters set forth in this declaration, and if called upon to do so, would and could so testify. I

1 submit this declaration in support of Defendants' motion to dismiss.

2       2. I am familiar with sections of Title 15 of the California Code of Regulations that  
3 govern an inmate appeal. Section 3084.5 describes the levels of appeal that are available to an  
4 inmate. Section 3084.5(e)(2) provides that "[t]hird level review constitutes the director's  
5 decision on an appeal, and shall be conducted by a designated representative of the Director  
6 under supervision of the chief, inmate appeals."

7       3. Usually, the director's decision exhausts the administrative remedy available to an  
8 inmate within the CDCR. The director's decision usually advises an inmate that the decision  
9 constitutes the exhaustion of administrative remedies available to the inmate within the CDCR.

10       4. The Inmate Appeals Branch keeps an electronic record of each inmate appeal that has  
11 proceeded through the final level of review, the Director's Level. When an appeal is received by  
12 the Inmate Appeals Branch and is accepted for review, it is given a Director's Level log number  
13 and entered into the computer system. The computer system was commenced in 1993. The  
14 following information is kept in the electronic record: appeal log number, the category  
15 (nature/subject) of the appeal, institutional log numbers, inmate's name and CDCR number, the  
16 institution where the appeal arose, the date that the appeal is received and closed, and final  
17 disposition of the appeal.

18       5. A search of the computerized system has been conducted for Plaintiff Richard Crane,  
19 CDCR C-44519, at the request of the Attorney General's Office. A true and correct copy of the  
20 Director's Level appeals print-out for Plaintiff is attached as Exhibit A.

21       6. The record indicates that the Director's Level of Review accepted two inmates appeals  
22 that were filed by Plaintiff in 2007, IAB No. 0713134 (Inmate Appeal No. 07-03411) and IAB  
23 No. 0714973 (Inmate Appeal No. 07-04232). These appeals did not relate to any of the issues  
24 identified in Plaintiff's Complaint.

25       7. The record also indicates that the Director's Level of Review screened out eight inmate  
26 appeals submitted by Plaintiff in 2007. The inmate appeals were:

27           a. IAB No. 0706182

28           b. IAB No. 0713477

- c. IAB No. 0714973
- d. IAB No. 0719012
- e. IAB No. 5032551
- f. IAB No. 5034344
- g. IAB No. 5037289
- h. IAB No. 5039627

The only screened out inmate appeal that relates to the issues identified in Plaintiff's Complaint is IAB No. 0713477 (Inmate Appeal No. 07-02012).

8. IAB No. 0713477 was screened out because the second level review provides the final review for administrative level rules violation reports. A denial at the second level review can not be submitted for a director's level review.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 22 day of May 2008, at Sacramento, California.

  
N. GRANNIS  
Chief, Inmate Appeals Branch

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